

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	CR. No. 23-cr-20191-MSN
)	
v.)	
)	
EMMITT MARTIN III,)	
TADARRIUS BEAN,)	
DEMETRIUS HALEY,)	
DESMOND MILLS JR., and)	
JUSTIN SMITH,)	
)	
Defendants.)	

**UNITED STATES' MOTION FOR A PROTECTIVE ORDER REGARDING
DISCOVERY**

Pursuant to Fed. R. Crim. P. 16(d)(1), the United States (the “Government”) requests that this Court enter a protective order to protect the Government, the Defendants, and counsel for the Defendants from claims of improper disclosure of confidential information. In support of this motion, the Government states:

1. On September 12, 2023, the Defendants were charged by Indictment with two counts of committing a civil rights offense in violation of 18 U.S.C. § 242 and two counts of obstruction in violation of 18 U.S.C. § 1512.
2. The Government plans to produce in discovery, among other things, voluminous personnel records, police reports, medical records, and witness statements that contain personal identifying information. The Government also plans to produce other sensitive material, including

transcripts of testimony and proceedings before a federal grand jury. Additionally, some of the discovery in this case relates to other individuals involved in incidents separate from the charged conduct.

3. Much of the discovery in this case includes confidential information such as social security numbers, phone numbers, addresses, or medical information. Many records contained in the discovery materials also contain information that is typically considered sensitive and confidential in nature, including (1) medical records of the Victim; (2) personnel files of the defendants; and (3) documents containing criminal histories, including records of arrests with no resulting convictions.

4. Due to the number of documents that contain confidential or private information and the number of places within those documents that the confidential or private information appears, it is impractical to redact each instance of such information.

5. The Government is prepared to make unredacted discovery available to defendants' counsel for inspection in its offices, which would satisfy its disclosure obligations under the rules. However, the Government would prefer, to the extent practicable, to be able to provide copies of the discovery to defense counsel for use in their own offices.

6. Rule 16(d)(1) of the Federal Rules of Criminal Procedure provides that the Court "may, for good cause, deny, restrict, or defer discovery or inspection" of discovery materials. Fed. R. Crim. P. 16(d)(1). The Court therefore has the discretion to regulate and restrict discovery and the disclosure of discovery materials through use of protective orders. *See Alderman v. United States*, 394 U.S. 165, 185 (1969) ("[T]he trial court can and should, where appropriate, place a defendant and his counsel under enforceable orders against unwarranted disclosure of the materials which they may be entitled to inspect.").

7. Based upon the foregoing, the Government seeks a protective order to allow the Government to disclose certain materials obtained in the investigation of the Defendant; to prohibit the unauthorized disclosure of discovery materials and any information contained therein to non-litigants; and to establish safeguards to ensure compliance with the terms of the protective order.

8. Accordingly, the Government respectfully requests that the Court enter the proposed protective order attached hereto.

9. Counsel for the Defendants have been consulted and have no objections to entry of the proposed order.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, David Pritchard, hereby certify that a copy of the foregoing Notice has been sent via the District Court's Electronic Filing System.

This 20th day of September, 2023

*s/*David Pritchard
DAVID PRITCHARD